

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HEZEKIAH ESAU BAKER,

Plaintiff,

vs.

PENNY OPCO, LLC,

Defendant.

Case No.: 2:24-cv-02084-GMN-EJY

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 35), from United States Magistrate Judge Elayna J. Youchah, which recommends granting Defendant’s Rule 12(b)(6) Motion to Dismiss Plaintiff’s claim for punitive damages.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF No. 35) (setting a November 21, 2025, deadline for objections).

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2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 35), is
4 **ACCEPTED and ADOPTED** in full.

5 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss, (ECF No. 21), is
6 **GRANTED**. Plaintiff's claim of general negligence proceeds and damages thereunder may be
7 sought, but such damages cannot include an award of punitive damages.

8 Dated this 3 day of December, 2025.

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12 Gloria M. Navarro, District Judge
13 United States District Court
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